
SENATE RESOLUTION

URGING AGENCIES SUBJECT TO THE HAWAII ADMINISTRATIVE PROCEDURE
ACT TO STRICTLY ADHERE TO THE HAWAII ADMINISTRATIVE
PROCEDURE ACT DURING THE RULE MAKING PROCESS.

1 WHEREAS, the Hawaii Administrative Procedure Act, chapter
2 91, Hawaii Revised Statutes, establishes rule making
3 requirements for certain state and county agencies; and
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5 WHEREAS, section 91-3, Hawaii Revised Statutes, requires
6 that an agency, before adoption, amendment, or repeal of a rule,
7 give at least thirty days' notice of a public hearing; and
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9 WHEREAS, the notice must contain:
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- 11 (1) A statement of the topic of the proposed rule
12 adoption, amendment, or repeal or a general
13 description of the subjects involved;
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- 15 (2) A statement that a copy of the proposed rule to be
16 adopted, the proposed rule amendment, or the rule
17 proposed to be repealed will be mailed to any
18 interested person who requests a copy, pays the
19 required fees for the copy and the postage, if any,
20 together with a description of where and how the
21 requests may be made;
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- 23 (3) A statement of when, where, and during what times the
24 proposed rule to be adopted, the proposed rule
25 amendment, or the rule proposed to be repealed may be
26 reviewed in person; and
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- 28 (4) The date, time, and place where the public hearing
29 will be held and where interested persons may be heard
30 on the proposed rule adoption, amendment, or repeal;
31 and
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1 WHEREAS, each rule proposed to be adopted, amended, or
2 repealed is subject to approval by the Governor, in the case of
3 state agency rule making, or applicable mayor, in the case of
4 county agency rule making, and if approved, becomes effective
5 ten days after filing with the Lieutenant Governor or county
6 clerk, as applicable; and
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8 WHEREAS, the Hawaii Administrative Procedure Act was
9 enacted to establish procedures, ensure transparency, protect
10 due process rights, and promote sound business practices; now,
11 therefore,
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13 BE IT RESOLVED by the Senate of the Twenty-eighth
14 Legislature of the State of Hawaii, Regular Session of 2015,
15 that all agencies subject to the Hawaii Administrative Procedure
16 Act, chapter 91, Hawaii Revised Statutes, and having rule making
17 authority are urged to strictly adhere to the provisions set
18 forth by the Hawaii Administrative Procedure Act during the rule
19 making, amending, or repealing process, including rule making to
20 modify rates paid by an agency to third parties; and
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22 BE IT FURTHER RESOLVED that certified copies of this
23 Resolution be transmitted to the Governor and Mayor of each
24 county.

